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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,267	11/17/2000	Takayuki Mimura	400929	5181
23548 7590 02/26/2004 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER GROSS, KENNETH A	
			ART UNIT 2122	PAPER NUMBER 7

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,267

Applicant(s)

MIMURA, TAKAYUKI

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on December 2nd, 2003.
2. Claims 1-10 remain rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claims 1 and 6 recite “quantity of steps executable in response to a single start-up” on lines 6-7, which is unclear. On page 6 of the amendment, the applicant argues that the “quantity of steps” is a number, representing the number of steps in the scenario. Although the limitation will be interpreted as such, the claim language does not clearly convey the limitation’s intended meaning. The claim can still be interpreted as a “plurality of steps”. Applicant is respectfully requested to correct the language of the claim. A more suitable term might be “a quantity, representing the number of steps executable in response to a single start-up”. Claims 2-5 and 7-10 are rejected for being dependent on a rejected parent Claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651).

In regard to Claim 1, Coleman teaches: (a) a start-up means (Column 23, lines 18-19); (b) at least two scenarios which implement a specific function (Column 20, lines 8-12); (c) a priority level definition storage means for storing a priority level for each of the scenarios (Column 23, lines 22-23); (d) and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition (Column 23, lines 22-23). Coleman does not explicitly teach that the scenario is a text scenario comprised of control codes. Redford, however, does teach a system of defining tasks, where each task contains control codes (Figure 2(c), item 48d). Neither Coleman nor Redford teach storing a quantity of steps executable in response to a start-up, nor do they teach determining which steps of a text scenario are to be executed. Clarisse, however, does teach a counter for storing a number corresponding to the number of steps executing in a scenario, as well as determining which steps are to be executed by setting the counter before execution (Column 41, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a system with a start-up means, at least two scenarios which implement a specific function, a priority level definition storage means for storing a priority level, and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition, as taught by Coleman, where the scenario is a text scenario comprised of control codes, as taught by Redford, since control codes contain the functionality of the steps to be executed in a format

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that a computer can act on, and the system includes a storage means for storing a quantity of executable steps, and a processing means for determining which steps must be executed at start-up as taught by Clarisse, since a scenario would likely execute a series of steps associated with the scenario to carry out the function of the scenario, and choosing the steps to be executed allows greater control of the scenario functionality.

In regard to Claim 6, Coleman teaches: (a) a start-up means (Column 23, lines 18-19); (b) at least two scenarios which implement a specific function (Column 20, lines 8-12); (c) a priority level definition storage means for storing a priority level for each scenario (Column 23, lines 22-23); (d) and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition (Column 23, lines 22-23). Coleman does not explicitly teach that the scenario is a text scenario comprised of control codes. Coleman further does not teach event information storage means for storing processing information indicating processing to be performed on external data and scenario identification information indicating one scenario to be executed for at least two event identifiers, nor does he teach when an event identifier and external data are input from the external program, executing the corresponding scenario and processing the corresponding external data. Redford, however, does teach a system of defining tasks, where each task contains control codes (Figure 2(c), item 48d). Redford further teaches sensors that sense cursor and mouse event information, and perform certain processing and carries out certain scenarios according to the event (Column 36, lines 1-8). Redford further teaches when an event occurs from an external program, the corresponding scenario is executed, and processing is carried out which affects the data of the external program (Column 36, lines 1-8). Neither Coleman nor Redford teach storing a quantity of steps

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executable in response to a start-up, nor do they teach determining which steps of a text scenario are to be executed. Clarisse, however, does teach a counter for storing a number corresponding to the number of steps executing in a scenario, as well as determining which steps are to be executed by setting the counter before execution (Column 41, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a system with a start-up means, at least two scenarios which implement a specific function, a priority level definition storage means for storing a priority level for each scenario, and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition, as taught by Coleman, where the scenario is a text scenario comprised of control codes and an event information storage means for storing processing information indicating processing to be performed on external data and scenario identification information indicating one scenario to be executed for at least two event identifiers, as taught by Redford, since control codes contain the functionality of the steps to be executed in a format that a computer can act on, and the system includes a storage means for storing a quantity of executable steps, and a processing means for determining which steps must be executed at start-up as taught by Clarisse, since a scenario would likely execute a series of steps associated with the scenario to carry out the function of the scenario, and choosing the steps to be executed allows greater control of the scenario functionality.

For logic behind the rejection of the limitations of Claims 5 and 10, see the office action mailed on September 12th, 2003 (Note: Claims 5 and 10 have been amended to correct certain grammatical errors, and the scope of the claims have not been changed).

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7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651) and Kawano et al. (U.S. Patent Number 5,511,167).

For logic behind the rejection of the limitations of Claims 2 and 7, see the office action mailed on September 12th, 2003.

8. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651) and Hough (U.S. Patent Number 4,604,694).

For logic behind the rejection of the limitations of Claims 3 and 8, see the office action mailed on September 12th, 2003.

9. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651) and Kurii (U.S. Patent Number 4,429,368).

For logic behind the rejection of the limitations of Claims 4 and 9, see the office action mailed on September 12th, 2003 (Note: Claims 4 and 9 have been amended to correct certain grammatical errors, and the scope of the claims have not been changed).

Response to Arguments

10. Applicant's arguments filed December 2nd, 2003 have been fully considered but they are not persuasive.

Specifically, the applicant argues that neither Coleman nor Redford teach a priority level definition storage means for storing a *quantity* of steps executable in response to a single start-up. Although Coleman teaches scheduling tasks in order of priority, Coleman fails to teach storing a *quantity* of steps for each task. In the rejection above, however, Clarisse does teach the deficiency, by teaching the storage of a *quantity* of steps for a given task.

The applicant further argues that although Redford does teach a command string field, Redford does not disclose a storage means for storing the *quantity* of commands in the command string field. In the rejection above, however, Clarisse does teach the deficiency, by teaching the storage of a *quantity* of steps for a given task.

Finally, the applicant argues that the combination of Coleman and Redford fails to teach determining which steps of the scenario are to be executed, since Redford merely executes all of the steps specified by the command field string. In the rejection above, however, Clarisse does teach executing certain steps based on the setting of the counter, which specifies how many steps to execute.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG



TUAN DAM
SUPERVISORY PATENT EXAMINER